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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,263	02/27/2002	Tetsuya Onishi	02109/LH	1754
1933	7590	04/04/2006	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			CONOVER, DAMON M	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/085,263	Applicant(s) ONISHI ET AL.	
	Examiner Damon Conover	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see paragraph 2, page 9, filed 31 January 2006, with respect to Figures 1 and 7 have been fully considered and are persuasive. The drawings have been corrected, thus the objections of Figures 1 and 7 have been withdrawn.
2. Applicant's arguments, see paragraph 5, page 9 and paragraph 2, page 12, filed 31 January 2006, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kunimoto et al. (U.S. Patent 5,917,536).

Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index, and for displaying the retrieved document (abstract).

In the amended claim, the applicant describes that the data set includes medical image data and character information data that includes ID data identifying a patient. Palmer et al. does not specifically describe that the documents being stored are medical image data, therefore the rejection based on Palmer et al. has been withdrawn.

However, Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 8, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al. in view of Kunimoto et al.

With respect to claim 1, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index, and for displaying the retrieved document (abstract). The invention processes the document image to determine its structure, and then extracts contents of the document (images and text), so the contents can be stored along with the document image (column 2, lines 40-46 and column 7, lines 45-53). The invention also creates an index using the text extracted from the document, so that the document can be retrieved with reference to the indexed text (column 3, lines 4-19). The invention includes a scanner 31 for inputting image data into the apparatus, and a computer 10 which includes mass storage memory 20, a keyboard/mouse 19, and display 17 for extracting text from the image and storing it along with the image data and for retrieving and displaying the image. The scanner 31 (inputting section) inputs a new data set including new image data and a new character information data (column 4, lines 61-64). The computer 10 (retrieving section) judges that the plurality of data sets include the same character information data as the new character information data (column 7, lines 54-64). In the method disclosed by Palmer

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et al., once images are scanned in and the text extracted by optical character recognition, the document indexes, formed from the extracted text, and the document images are stored in a centralized database (column 5, lines 15-17), so that a single search can return items from multiple data sets (column 7, line 66 – column 8, lines 10). This method is analogous to correlating a new data set with an existing data set including the same character information data memorized in the information memorizing section.

Palmer et al. do not specifically describe that the documents being stored are medical image data.

However, Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the image management apparatus of Palmer et al. to store and organize medical images based on a patient identifier as taught by Kunimoto et al., in order to make images from a plurality of medical diagnostic apparatuses for a plurality of patients more easily accessible (Kunimoto et al., column 1, lines 48-63).

With respect to claim 2, Palmer et al. describe that the information memorizing section stores the image data and character data together, so that the retrieving section can retrieve a plurality of data sets with a single search (column 7, line 66 – column 8, lines 10).

With respect to claim 3, Palmer et al. describe that the image data contain a character image data and the character information data are obtained from the character image data by a technique of character recognition (column 7, lines 7-11).

With respect to claim 4, Palmer et al. disclose a character information retrieving section which retrieves newly inputted character information data from the database containing the plurality of character information data that has been previously scanned (column 5, lines 15-17). By comparing the newly inputted character information with the character information data previously captured and included in the index (comparing section) (column 7, lines 56-59), a score can be calculated based on the occurrence of the newly inputted characters (determining section) (column 7, lines 66 – column 8, lines 10).

With respect to claim 6, in the method disclosed by Palmer et al., once images are scanned in and the text extracted by optical character recognition, the document indexes, formed from the extracted text, and the document images are stored in a centralized database (column 5, lines 15-17), so that a single search can return items from multiple data sets (column 7, line 66 – column 8, lines 10). This method is analogous to memorizing the new data set in the information memorizing section in a correlated form with the existing data set including the same character information data.

With respect to claim 8, Palmer et al. identify the date data as a standard structure that can be extracted from an image document and stored with the data set in the database (column 6, lines 21-30). The retrieving section can use the date data to

structure the search query to retrieve documents with the same date (column 7, line 66 – column 8, lines 10).

With respect to claim 13, as discussed above, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index based on text extracted from the documents, and for displaying the retrieved document. Palmer et al. describe that once images are scanned in and the text extracted by optical character recognition, the document indexes, formed from the extracted text, and the document images are stored in a centralized database (column 5, lines 15-17), so that a single search can return items from multiple data sets (column 7, line 66 – column 8, lines 10). This method is analogous to memorizing the new data set in the information memorizing section in a correlated form with the existing data set including the same character information data.

Palmer et al. do not specifically describe that the documents being stored are medical image data and that the text extracted is patient identification information.

Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the image management apparatus of Palmer et al. to store and organize medical images based on a patient identifier as taught by Kunimoto et al., in order to make images from a plurality of medical diagnostic apparatuses for a plurality of patients more easily accessible (Kunimoto et al., column 1, lines 48-63).

With respect to claim 14, as discussed above, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index based on text extracted from the documents, and for displaying the retrieved document. Palmer et al. describe that once images are scanned in and the text extracted by optical character recognition, the document indexes, formed from the extracted text, and the document images are stored in a centralized database (column 5, lines 15-17). The character information data is the same for related sets (inputted data and memorized data), so that a single search query can return items from multiple data sets (column 7, line 66 – column 8, lines 10).

Palmer et al. do not specifically describe that the documents being stored are medical image data and that the character information data is patient identification information.

Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the image management apparatus of Palmer et al. to store and organize medical images based on a patient identifier as taught by Kunimoto et al., in order to make images from a plurality of medical diagnostic apparatuses for a plurality of patients more easily accessible (Kunimoto et al., column 1, lines 48-63).

4. Claims 5, 7, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al. and Kunimoto et al. in view of Chevion et al.

With respect to claim 5, as discussed above, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index based on text extracted from the documents, and for displaying the retrieved document. Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

Neither Palmer et al. nor Kunimoto et al. include an operating section to correct the data set.

Chevion et al. disclose a system and method for correcting data extracted by optical character recognition (column 2, lines 1-2). Chevion et al. list several logical tests, such as checking the dates, checksums, other code sums or validating information from a database (for example, an ID number), that can be used to improve the quality of the data entry (column 7, line 67 – column 8, lines 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the document indexing and storage steps of Palmer et al. and Kunimoto et al., the data validating steps of Chevion et al. before storing the data in the database, in order to improve the quality of the data entry system and eliminate manual intervention (Chevion et al., column 8, lines 3-5).

With respect to claim 7, as discussed above, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index based on text

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extracted from the documents, and for using the index to query and display a set of retrieved documents. Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

Neither Palmer et al. nor Kunimoto et al. disclose the inclusion of inspection data to identify an inspection conducted.

As discussed above, Chevion et al. disclose a system and method for correcting data extracted by optical character recognition, which stores the recognition results in the database along with the document image and character data (column 4, lines 21-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the indexing and storage steps of Palmer et al. and Kunimoto et al., the storage of inspection data of Chevion et al. The discussion is the same as addressed above.

With respect to claims 9 and 12, as discussed above, Palmer et al. disclose a method and apparatus for storing document images, creating a retrieval index based on text extracted from the documents, and for using the index to query and display a set of retrieved documents. The invention includes a scanner 31 for inputting image data into the apparatus, and a computer 10 which includes mass storage memory 20 for storing the image data and the extracted character data. The computer 10 is also used to compare the newly inputted character information with the character information data previously captured and included in the index (comparing section) (column 7, lines 56-

59). Kunimoto et al. disclose an image recording apparatus for storing medical documents, such as MRI and CT images, along with text information such as the patient name or patient ID (column 3, lines 36-52 and column 4, lines 7-8).

Neither Palmer et al. nor Kunimoto et al. include an operating section to operate the data set.

Chevion et al. disclose a system and method for correcting data extracted by optical character recognition (column 2, lines 1-2). Chevion et al. list several logical tests, such as checking the dates, checksums, other code sums or validating information from a database (for example, an ID number), that can be used to improve the quality of the data entry (column 7, line 67 – column 8, lines 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the document indexing and storage steps of Palmer et al. and Kunimoto et al., the data validating steps of Chevion et al. before storing the data in the database. The discussion is the same as addressed above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Damon Conover whose telephone number is (571) 272-5448. The examiner can normally be reached Monday-Friday, 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached at (571) 272-7695. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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